

service and numbered to correspond with entries in a register maintained for the purpose (22 U.S.C. 1192, 1193, and 1194). The register serves as a record of official acts performed by officers of the Foreign Service in a governmental or notarial capacity, corresponding in this regard with the record which notaries are usually expected or required to keep of their official acts. See § 92.2 of this chapter.

(c) *Deposits to guarantee payment of fees or incidental costs.* When the amount of any fee is determinable only after initiation of the performance of a service, or if incidental costs are involved, the total fee and incidental costs shall be carefully estimated and an advance deposit required, subject to refund of any unused balance to the person making the deposit.

§ 22.6 Refund of fees.

Fees which have been collected for deposit in the Treasury are refundable: (a) as specifically authorized by law (see 22 U.S.C. 214a concerning passport fees erroneously charged persons excused from payment, 22 U.S.C. 216 concerning passport fees in cases where the appropriate representative in the United States of a foreign government refuses a visa, and 46 U.S.C. 8 concerning fees improperly imposed on vessels or seamen); (b) when the principal officer at the consular post where the fee was collected (or the officer in charge of the consular section at a combined diplomatic/consular post) finds upon review of the facts that the collection was erroneous under applicable law; and (c) where determination is made by the Department of State with a view to payment of a refund in the United States in cases in which it is impracticable to have the facts reviewed and refund effected by and at the direction of the responsible consular office. See § 13.1 of this chapter concerning refunds of fees improperly exacted by consular officers who have neglected to return the same to the Treasury.

§ 22.7 Collection and return of fees.

No fees other than those prescribed in the Schedule of Fees, § 22.1, or by or pursuant to an act of Congress, shall be charged or collected by officers of the Foreign Service for official services performed abroad (22 U.S.C. 1201). All fees received by any officer of the Foreign Service for services rendered in connection with the duties of office or as a consular officer shall be accounted for and paid into the Treasury of the United States (22 U.S.C. 99 and 812). For receipt, registry, and numbering provisions, see § 22.5(b).

§ 22.8 Effective date.

The charges established become effective on February 12, 1981 with respect to all services rendered pursuant to requests received in the Department of State and the Foreign Service on or after the effective date.

[FR Doc. 81-4081 Filed 2-11-81; 8:45 am]

BILLING CODE 4710-06-M

DEPARTMENT OF THE TREASURY

Internal Revenue Service

26 CFR Part 1

[T.D. 7750]

Voluntary Employees' Beneficiary Association; Correction

AGENCY: Internal Revenue Service, Treasury.

ACTION: Correction to final rule.

SUMMARY: This document contains a correction to the *Federal Register* publication beginning at 46 FR 1719 of the full text of the regulations which were the subject of Treasury Decision 7750 relating to voluntary employees' beneficiary associations under section 501(c)(9) of the Internal Revenue Code of 1954.

EFFECTIVE DATE: The regulations are, with certain exceptions, effective for taxable years beginning after December 31, 1954. This correction is to be effective the same date.

FOR FURTHER INFORMATION CONTACT: Kimley R. Johnson of the Employee Plans and Exempt Organizations Division, Office of the Chief Counsel, Internal Revenue Service, 1111 Constitution Avenue, NW., Washington, D.C. 20224 (Attention: CC:LR:T) (202-566-6212, not a toll-free call).

SUPPLEMENTARY INFORMATION:

Background

On July 17, 1980, the *Federal Register* published proposed amendments to the Income Tax Regulations (26 CFR Part I) under section 501(c)(9) of the Internal Revenue Code of 1954 (45 FR 47871), as amended by section 121 of the Tax Reform Act of 1969 (83 Stat. 541). On January 7, 1981, the *Federal Register* published Treasury Decision 7750 (FR Doc. 80-40835) at 46 FR 1719. The purpose of those amendments to the Income Tax Regulations made by the Treasury decision was to provide guidance to the public to determine whether a particular organization qualifies as a voluntary employees' beneficiary association.

Need for a Correction

As published, the full text of the regulations which were the subject of Treasury Decision 7750 omitted a heading on the final paragraph of the regulations.

Correction of Publication

Accordingly, the publication of the full text of the regulations which were the subject of FR Doc. 80-40835 (46 FR 1719) is amended by the following correction:

Section 1.501(c)(9)-8 (26 CFR Part I), at 46 FR 1725, is corrected by adding a caption to paragraph (e) to read as follows:

§ 1.501(c)(9)-8 Voluntary employees' beneficiary associations; effective date.

(e) Election. * * *

George H. Jelly,

Director, Employee Plans and Exempt Organizations Division.

[FR Doc. 81-4085 Filed 2-11-81; 8:45 am]

BILLING CODE 4830-01-M

DEPARTMENT OF LABOR

Wage and Hour Division, Employment Standards Administration

29 CFR Part 4

Service Contract Act; Labor Standards for Federal Service Contracts

AGENCY: Wage and Hour Division, Employment Standards Administration, Department of Labor.

ACTION: Effective dates of regulations stayed.

SUMMARY: On January 16, 1981, the Department issued a final rule to take effect on February 17, 1981 revising 29 CFR Part 4, Labor Standards for Federal Service Contracts (46 FR 4320-4378). On January 19, 1981, the Department issued a second final rule regarding the treatment of concession contracts to take effect on February 18, 1981 revising § 4.133 of Part 4 (46 FR 4886). The effective dates of these two regulations are stayed until April 17, 1981 to permit the Department to conduct a regulatory analysis and to review the rules fully before they take effect. It is the Department's intention to repropose appropriate modifications to Part 4 after this is done and to hold public hearings on the proposal.

FOR FURTHER INFORMATION CONTACT: Henry T. White, Jr., Deputy Administrator, Wage and Hour Division, Employment Standards Administration, U.S. Department of Labor, Room S3502, 200 Constitution Avenue, NW.,

Washington, D.C. 20210; Telephone: 202-523-8305.

Signed at Washington, D.C., this 29th day of January 1981.

Craig Berrington,

Deputy Assistant Secretary of Labor for Employment Standards.

[FR Doc. 81-4943 Filed 2-10-81; 4:00 pm]

BILLING CODE 4510-27-M

29 CFR Part 541

Defining and Delimiting the Terms "Any Employee Employed in a Bona Fide Executive, Administrative, or Professional Capacity (Including any Employee Employed in the Capacity of Academic Administrative Personnel or Teacher in Elementary or Secondary Schools), or in the Capacity of Outside Salesman."

AGENCY: Wage and Hour Division, Employment Standards Administration, Department of Labor.

ACTION: Effective date of regulation stayed; comment period reopened.

SUMMARY: Final regulations effective February 13, 1981, increasing the salary levels used to determine eligibility for exemption from the minimum wage and overtime compensation provisions of the Fair Labor Standards Act were

published in the Federal Register of January 13, 1981 (46 FR 3010). The effective date of these regulations is stayed indefinitely. The purpose of this action is to allow the Department to review the rule fully before it takes effect. The comment period is reopened. Pending final determination in this rulemaking, the interim salary tests which became effective April 1, 1975 are continued.

DATES: Effective date: February 12, 1981. Comments are invited from other Federal agencies and the public. They must be received on or before April 6, 1981.

ADDRESS: Send written comments to Henry T. White, Jr., Deputy Administrator, Wage and Hour Division, Employment Standards Administration, Room S-3502, U.S. Department of Labor, 200 Constitution Avenue, NW., Washington, D.C. 20210; (202) 523-8305.

FOR FURTHER INFORMATION CONTACT: Henry T. White, Jr., Telephone (202) 523-8305.

Signed at Washington, D.C., this 29th day of January, 1981.

Craig Berrington,

Deputy Assistant Secretary of Labor for Employment Standards.

[FR Doc. 81-4943 Filed 2-10-81; 4:00 pm]

BILLING CODE 4510-27-M

ENVIRONMENTAL PROTECTION AGENCY

[AS-FRL 1752-3]

40 CFR Parts 6, 52, 56, 162, 230, 403, 413, and 429; Deferral of Effective Dates

AGENCY: Environmental Protection Agency.

ACTION: Notice of deferral of effective dates.

SUMMARY: This notice defers until March 30, 1981, the effective date of all the regulations listed below. This action is taken pursuant to the President's order of January 29, 1981, requiring postponement of the effective date of pending regulations for 60 days.

EFFECTIVE DATE: The new effective date of all the regulations listed below will be March 30, 1981.

FOR FURTHER INFORMATION CONTACT: Faith Halter, Special Assistant to the General Counsel, Environmental Protection Agency, 401 M Street, SW., Washington, D.C. 20460, 202-755-0709.

SUPPLEMENTARY INFORMATION: The following is a list of all the regulations whose effective date is deferred by this notice.

CFR part affected	FR citation	Subject matter	Old effective date	Now effective date
40 CFR 6, Subpart J	46 FR 3364 (1/14/81)	E.O. 12114 Implementation of Procedures Under the National Environmental Policy Act (Assessing the Environmental Effects Abroad of EPA Actions).	Feb. 13, 1981	Mar. 30, 1981
40 CFR 52.770(c)(19), 52.795(c)	46 FR 8474 (1/27/81)	Clean Air Act. Approval and Promulgation of Implementation Plans: Indiana (Notice of Deficiency).	Feb. 26, 1981	Mar. 30, 1981
40 CFR 52.770(c)(19), 52.795(c)	46 FR 8473 (1/27/81)	Clean Air Act. Approval and Promulgation of Implementation Plans: Indiana (Disapproval—Jefferson County).	Feb. 26, 1981	Mar. 30, 1981
40 CFR 52.1670(c)(25), 52.1681 (a)(1), (a)(2), (a)(3), (a)(4), (a)(5), (a)(6), (a)(7), (a)(8)	46 FR 8481 (1/27/81)	Clean Air Act. Approval and Promulgation of Implementation Plans: Ohio Sulfur Dioxide Control Strategy.	Feb. 26, 1981	Mar. 30, 1981
40 CFR 52.220 (c)(42)(ii)(D), (c)(50)(vi)(A), (c)(51)(ii)(A), (c)(51)(iii)(A), (c)(52)(ii)(A), (c)(58)(ii)(A), (c)(74)(i)(A); 52.271 (b)(3)(i), (b)(4)(i), (b)(4)(ii)	46 FR 8471 (1/27/81)	Clean Air Act. Approval and Promulgation of Implementation Plans: Five Air Pollution Control Districts in the State of California.	Feb. 26, 1981	Mar. 30, 1981
40 CFR 56	45 FR 85399 (12/24/80)	Clean Air Act. Regional Consistency.	Feb. 23, 1981	Mar. 30, 1981
40 CFR 162.31	46 FR 5696 (1/19/81)	Federal Insecticide, Fungicide and Rodenticide Act. Classification of Uses of Active Ingredients for Restricted Use.	No sooner than 60 calendar days of continuous session of current Congress from date of promulgation (Mar. 20, 1981).	Mar. 30, 1981
40 CFR 162.150-162.155	46 FR 2008 (1/7/81)	Federal Insecticide, Fungicide, and Rodenticide Act. State Registration of Pesticides To Meet Local Needs.	No sooner than 60 calendar days of continuous session of current Congress from date of promulgation (Mar. 9, 1981).	Mar. 30, 1981
40 CFR 230	45 FR 85335 (12/24/80)	Clean Water Act. Guidelines for Specification of Disposal Sites for Dredged or Fill Material.	Mar. 23, 1981	Mar. 30, 1981
40 CFR 403	46 FR 9404 (1/25/81)	Clean Water Act. General Pretreatment Regulations for New and Existing Sources.	Mar. 13, 1981	Mar. 30, 1981
40 CFR 413	46 FR 9462 (1/26/81)	Clean Water Act. Effluent Guidelines and Standards; Electroplating Point Source Category; Pretreatment Standards for Existing Sources.	Mar. 16, 1981	Mar. 30, 1981
40 CFR 429.61, 429.62, 429.151, 429.152	46 FR 8260 (1/26/81)	Clean Water Act. Timber Products Point Source Category; Provisions Establishing Best Practicable and Best Conventional Pollutant Control Technology (BPT and BCT).	Mar. 11, 1981	Mar. 30, 1981

Issued at Washington, D.C., on February 6, 1981.

Walter C. Barber,
Acting Administrator.

[FR Doc. 81-5016 Filed 2-11-81; 8:45 am]

BILLING CODE 6560-36-M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

43 CFR Public Land Order 5804

[ORE 013237]

Oregon; Partial Revocation of Reclamation Project Withdrawal

Correction

In FR Doc. 81-594, published at page 2047, in the issue of Thursday, January 8, 1981 make the following correction in the land description for the Willamette Meridian:

On page 2048, first column, third line, following "S½NE¼SW¼," insert "S½, SW¼, SW¼,".

BILLING CODE 1505-01-M

43 CFR Public Land Order 5820

[OR 13498]

Oregon; Withdrawal of National Forest Land for Recreation and Administrative Site

Correction

In FR Doc. 2262, published on page 6947, on Thursday, January 22, 1981, make the following corrections:

(1) In the second column, in the eighth line from the top "Section 205" should be corrected to read "Section 204".

(2) In the second column, under Willamette Meridian "Umpqua National Forest, Cow Creek Recreation and Administrative Site", in the second line "Sec. 5, N½NW¼ and N½S½NW¼" should be corrected to read "Sec. 5, N½NW¼ and N½S½NW¼".

BILLING CODE 1505-01-M

43 CFR Public Land Order 5848

[M-35197]

Montana; Revocation of Public Land Order No. 1258

Corrections

In FR Doc. 81-2491 appearing on page

7347 in the issue for Friday, January 23, 1981, make the following corrections:

On page 7347, in the second column, in the land description for Principal Meridian, Montana—

(1) In the second line, "NW¼" should have read "NW¼" in both places.

(2) In the third line, "SE¼" should have read "SE¼".

BILLING CODE 1505-01-M

43 CFR Public Land Order 5849

[U-47671]

Utah; Revocation of Public Land Order No. 1109

Correction

In FR Doc. 81-2511, published at page 7347, on Friday, January 23, 1981, in the third column, under "Salt Lake Meridian" before "Sec. 10, NE¼," insert "T. 2S., R. 3E.,".

BILLING CODE 1505-01-M

43 CFR Public Land Order 5852

[OR-04919]

Oregon; Revocation of Stock Driveway Withdrawal

Correction

In FR Doc. 81-2508 appearing on page 7349 in the issue for Friday, January 23, 1981, make the corrections:

On page 7349, in the middle column, under "Willamette Meridian", please correct the land description as follows:

(1) In the tenth line, "NW¼" should have read "NW¼".

(2) In the eleventh line, "NE¼" and "NW¼" should have read "NE¼" and "NW¼".

(3) In the sixteenth line, "SW¼" should have read "SW¼".

BILLING CODE 1505-01-M

43 CFR Public Land Order 5855

Oregon; Partial Revocation of Public Land Order No. 3869

Correction

In FR Doc. 81-2991, published on page 8520, on Tuesday, January 27, 1981, in

the second column, in the seventh line from the bottom, "Sec. 4, S½SW¼SW¼" should be corrected to read "Sec. 4, S½SW¼SW¼".

BILLING CODE 1505-01-M

COMMUNITY SERVICES ADMINISTRATION

45 CFR Part 1012

Postponement of Certain Regulations

AGENCY: Community Services Administration.

ACTION: Notice of postponement of effective date of certain agency regulations and correction.

SUMMARY: On January 29, 1981, the President issued a memorandum requesting Federal agencies to postpone for 60 days from that date the effective date of final regulations presently pending. CSA has decided, in keeping with the spirit of that memorandum, to postpone until March 29, 1981, the effective date of its final rule entitled: "Civil Rights Regulations: Nondiscrimination on the Basis of Handicap in Programs and Activities Receiving or Benefitting from Financial Assistance Provided by CSA: Implementation of Section 504 of the Rehabilitation Act, As Amended, and Executive Order 12250" (46 FR 5620-5631). Accordingly, CSA will be publishing an amendment to this rule reflecting postponement of its effective date from February 18 to March 29. The agency has determined that this rule is the only pending final regulation that will be affected by the January 29 memorandum. This rule also corrects a technical error in Subpart H, § 1012.132. The definition for "existing facility" which would be used in that Subpart only if Subpart G becomes final was erroneously incorporated in § 1012.132.

FOR FURTHER INFORMATION CONTACT:

Roger Schwartz, Acting General Counsel, Community Services Administration, 1200 19th Street, NW., Washington, D.C. 20506, (202) 653-7520.

[Sec. 602, 78 Stat. 530 (42 U.S.C. 2942)]

William W. Allison,

Acting Director.

SUPPLEMENTARY INFORMATION: On January 29, 1981, the President issued a

memorandum to a number of Federal agencies directing that such agencies postpone for 60 days (from January 29) the effective date of all regulations that had been promulgated in final form and were scheduled to become effective during such 60 day period. The memorandum provided certain exemptions to the general postponement rule. The purpose of the postponement, according to the memorandum, was to provide the new Administration sufficient time to review many of the prior Administration's last-minute decisions that would increase rather than relieve the current burden of restrictive regulation. CSA is not one of the agencies to whom the President's memorandum was addressed. Nonetheless, in keeping with the spirit and tone of the memorandum, CSA has decided to postpone the effective date of pending final regulations which have not yet taken effect, where such regulations appear to be the kind of regulations referred to in the Presidential directive and do not fit into exceptions listed in the directive.

The agency has determined that the only pending regulation fitting the above description is CSA's final rule published on January 19, 1981 (46 FR 5620-5631) entitled "Civil Rights Regulations; Nondiscrimination on the Basis of Handicap in Programs and Activities Receiving or Benefiting From Financial Assistance Provided by CSA; Implementation of Section 504 of the Rehabilitation Act, as Amended, and Executive Order 12250." (45 CFR Part 1012). This regulation is scheduled to become effective on February 18, 1981. CSA will be amending this rule, postponing its effective date to March 29, 1981. The amendment to the rule will also contain changes in deadlines within the rule to correspond with the rule's new effective date.

In FR Doc. 81-1935 published at 46 FR 5620 on January 19, 1981 on page 5630, middle column, § 1012.132 is corrected to read as follows:

1012.132 Defined.

An "existing facility" means a facility or part thereof constructed on or before March 29, 1981, which a grantee uses, leases, owns or otherwise acquires.

[FR Doc. 81-4986 Filed 2-11-81; 8:45 am]

BILLING CODE 6315-01-M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Parts 2 and 90

[PR Docket No. 80-9; FCC 81-1]

Frequency Allocations and Radio Treaty Matters; General Rules and Regulations and Private Land Mobile Radio Services

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: The FCC in response to three rulemaking petitions adopts a Report and Order authorizing the use of radio location tracking devices by Police Radio Service licensees on Public Safety Radio Service frequencies above 30 MHz. These devices which, are low power transmitters with limited modulation capacity and operational capability, are typically used for purposes of covertly tracking a person or an object.

EFFECTIVE DATE: January 30, 1981.

ADDRESS: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: David A. Hankin or Roger D. Madden Private Radio Bureau (202) 632-8497.

Adopted: January 8, 1981.

Released: January 30, 1981.

By the Commission: Chairman Ferris absent.

In the matter of an amendment of Parts 2 and 90 of the Commission's Rules to authorize the use of low power radio transmitters by Police Radio Service licensees on Public Safety Radio Service frequencies above 30 MHz, PR Docket No. 80-9, report and order.

1. The Commission, during the past few years, received three rulemaking petitions which sought the authorization of radio location tracking devices¹ in the private land mobile radio services. These devices, which are low power transmitters with limited modulation capacity and operational capability, are typically used for purposes of covertly tracking a person or an object.²

¹These devices are also referred to as beepers, miniature tracking devices, and radio direction determination equipment. We recognize that our Notice of Proposed Rule Making, adopted January 16, 1980, referred only to "automatic" radio direction determination equipment. We now refer to such equipment in the generic form so as not to preclude the use of "manual" radio direction determination equipment.

²These devices operate in a similar manner to Emergency Position Indicating Radio Beacons (EPIRB's), authorized in the Maritime Radio Services, and Emergency Locator Transmitters (ELT's), authorized in the Aviation Radio Services. The user of these transmitters, however, unlike the

Introduction

2. Gus Manufacturing (GUS) had proposed (RM-2357) to allow police licensees to operate the trailing devices on police frequencies between 154.60 MHz and 159.10 MHz. Audio Intelligence Devices (AID) had proposed (RM-3094) to allow police licensees to operate the devices on any frequency between 136-144 MHz and 148-174 MHz. Wackenhut Electronics had proposed (RM-2314) to permit all eligibles in the private land mobile radio services to use radio direction determination equipment in the guard bands adjacent to the edges of the frequency channels in the frequency range of 27.0 MHz to 36.0 MHz.

3. In our Notice of Proposed Rule Making, released January 15, 1980,³ the Commission proposed to permit only licensees in the Police Radio Service, to operate low power trailing equipment. This use was proposed on a secondary basis, on any private land mobile radio service frequency in the bands 30-50 MHz, 150-174 MHz, and 450-470 MHz. In addition, we had asked for comments on the use of spread spectrum techniques in any bandwidth where 99% of the energy transmitted by the beeper is contained in one of the authorized bands.

Comments

4. Comments and reply comments were filed by many of the public safety, land transportation, and industrial radio service users and user organizations. In general, the comments supported the use of radio direction determination equipment for purposes of covert monitoring activities.⁴ However, a significant number of organizations expressed concerns as to the possible interference effects that these devices could have on the primary frequency users.⁵ Some of the land transportation

beeper transmitter user, desires to have the transmitting pulses discovered by others. Therefore, the EPIRB and ELT signals are transmitted and monitored on "common calling" channels, whereas the miniature tracking device user desires to disguise his tracking operations.

³Notice of Proposed Rule Making, PR Docket No. 80-9, adopted January 16, 1980, 45 FR 14902 (March 7, 1980).

⁴The American Museum of Natural History had expressed concerns that their scientific programs involving telemetry techniques will be restricted by this proceeding. It should be noted that such programs are administered under the experimental licensing procedures as set forth in Part V of the FCC Rules and Regulations. These experimental licensing procedures are not affected by any of the rules promulgated herein, and thus, the concerns of the American Museum of Natural History are not applicable to this proceeding.

⁵The American Petroleum Institute, the American Telephone and Telegraph Co., the Association of American Railroads, Forest Industry Telecommunications, National Association of Business and Educational Radio, Inc. National Ski